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BY ECF

Hon. Joanna Seybert
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: **Better Mornings, LLC et ano. v. Joseph Nilsen et ano., Case No: 2:19-cv-03854**

Dear Judge Seybert:

This firm represents Defendants Joseph Nilsen and Digital Checkmate, Inc. ("Digital Checkmate" and with Mr. Nilsen "Defendants") in the above-captioned action. I write on behalf of all parties to request an extension of the briefing schedule for Defendants' anticipated motion to dismiss. Following the Court's query at the November 25, 2019, pre-motion conference in this matter, the parties have expressed a mutual desire to re-engage in settlement discussions. We respectfully submit the requested extension will facilitate the parties' discussions. The original and proposed briefing schedule is set forth below:

	Original Due Date	Proposed Due Date
Motion To Dismiss	December 13, 2019	January 17, 2020
Opposition to Motion	January 14, 2020	February 19, 2020
Reply In Further Support	January 28, 2020	March 4, 2020

This is the parties' first request for an extension and we respectfully request the Court So Order the attached stipulation and/or this letter. We thank the Court for its attention to this matter.

Respectfully submitted,



Samuel L. Butt

Copies To (via ECF): All counsel

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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF NEW YORK**

9
10 BETTER MORNINGS, LLC and ISLAND
BREEZE, LLC

11 Plaintiffs,

12 vs.

13 JOSEPH NILSEN and DIGITAL
CHECKMATE, INC.

14 Defendants.

15 Case No.: 2:19-cv-03854

16 **STIPULATION**

17 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Better Mornings,
18 LLC and Island Breeze, LLC (“Plaintiffs”) and Defendants Joseph Nilsen and Digital
19 Checkmate, Inc. (“Defendants”), through their respective attorneys, that Defendants’ time
20 to file their Motion to Dismiss be extended to the 17th day of January, 2020. This extension
21 is agreed in order to facilitate settlement discussions between the parties.

22 IT IS FURTHER STIPULATED AND AGREED that Plaintiffs’ time to file its response to
the same be and hereby is extended to the 19th day of February, 2020, and that Defendants’
time to file its reply to that response be extended to the 4th day of March, 2020.

23
24 IT IS FURTHER STIPULATED AND AGREED that this stipulation may be executed in
counterparts and that a facsimile or electronic signature shall have the same binding effect
25 on all parties hereto as an original signature.

26

1 DATED: December 2, 2019

/s/ Berwin Cohen

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5 /s/ Samuel L. Butt

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